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Attorneys for Defendant
US BANK, NATIONAL ASSOCIATION,
AS TRUSTEE FOR JPM ALT 2007-A2

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re

MICHAEL R. BERUBE,
Debtor.

MICHAEL R. BERUBE,
Plaintiff,

v.

US BANK, NATIONAL ASSOCIATION, AS
TRUSTEE FOR JPM ALT 2007-A2
Defendants.

Case No.: 09-54715-ASW-11

Adversary Case No.: 11-05054 ASW
(Chapter 11)

JUDGE: Arthur S. Weissbrodt

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT OF
DEFENDANT US BANK, NATIONAL
ASSOCIATION, AS TRUSTEE FOR JPM
ALT 2007-A2**

DATE: September 26, 2011
TIME: 3:00 p.m.
CRTRM: 3020

**TO THE HONORABLE ARTHUR S. WEISSBRODT, UNITED STATES BANKRUPTCY
JUDGE, PLAINTIFF, IN PRO SE, AND ALL INTERESTED PARTIES:**

Defendant US Bank National Association, as Trustee for JPM ALT 2007-A2 ("USBank")
and Plaintiff, Michael R. Berube ("Plaintiff") (collectively, the "Parties") hereby submit this joint
Case Management Statement.

1 **1. Date and Time Counsel Conferred:** Counsel for Plaintiff and Defendants have conferred
2 regarding this matter on several occasions, most recently on September 12, 2011.

3 **2. Factual Background and Procedural History**

4 In connection with Plaintiff's bankruptcy petition, Plaintiff filed the instant adversary
5 Complaint on February 16, 2011, which arises out of the events surrounding the mortgage loan in the
6 sum of \$1,000,000.00 ("Loan") regarding the real property located at 122 Carmel Riviera Drive,
7 Carmel, California 93923 ("Subject Property"), extended to Plaintiff in 2007 by Alliance Bancorp.

8 In that regard, Plaintiff asserts two causes of action against USBank for declaratory relief for
9 quiet title. In short, Plaintiff alleges that the assignment of the note from the beneficiary of the loan,
10 MERS, to USBank was invalid in light of the July 13, 2007 Chapter 7 bankruptcy filing of Alliance
11 Bancorp. However, the Allonge in connection with the note was executed on or about April 16, 2007
12 which is prior to the July 13, 2007 filing of Chapter 7 Bankruptcy of Alliance Bancorp. Defendant
13 filed an Answer to Plaintiff's Adversary Complaint on May 24, 2011.

14 **3. The Parties Joint Position With Respect to Bankruptcy Rules 7008 and 7012(b)**

15 The Parties take the position that the instant adversary proceeding is a core proceeding and
16 that this Court has subject matter jurisdiction pursuant to 12 U.S.C. § 157(b)(2)(K).

17 **3. Proposed Discovery and Proposed Cut-Off Dates For Discovery and Pre-Trial Motions**

18 Plaintiff has engaged in extensive written discovery. USBank is currently in the process of
19 preparing written discovery. Accordingly the Parties propose the following dates:

- 20 1) Written Discovery cut off January **10, 2012**;
- 21 2) Depositions of witnesses, including Plaintiff, (some to be disclosed in written
22 discovery responses) by **March 1, 2012**;
- 23 3) Depositions of experts by **April 18, 2012**;
- 24 4) Dispositive motions filed by **May 25, 2012**;
- 25 5) Trial date after **July 5, 2012**.

26 **4. Trial**

27 Given Plaintiff's equitable claims of declaratory relief and quiet title, a Court trial is
28

requested by the Parties. The Parties estimate that the length of the trial will be no more than 3 days.

5. Alternative Dispute Resolution

The Parties are agreeable to Alternative Dispute Resolution.

6. Statement of Non-Government Parties

U.S. Bank National Association, as Trustee for JPM ALT 2007-A2 – defendant. U.S. Bank is affiliated with US Bancorp.

7. Other Matters

Not applicable.

DATED: September 12, 2011

ALVARADOSMITH
A Professional Corporation

By: /s/ S. Christopher Yoo
JOHN M. SORICH
CHRISTOPHER YOO
LAUREN M. TAKOS
Attorneys for Defendant,
US BANK, NATIONAL ASSOCIATION,
AS TRUSTEE FOR JPM ALT 2007-A2

DATED: September 12, 2011

MICHAEL R. BERUBE, PRO PER

By: /s/ Michael R. Berube
PLAINTIFF

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

Berube v. US Bank Nation Association, et al..

USBK Case No.: 09-54715 ASW-11

Adversary No.: 11-05454 ASW

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is **AlvaradoSmith, 1 MacArthur Place, Santa Ana, CA 92707**.

On September 13, 2011, I served the foregoing document described as **JOINT CASE MANAGEMENT STATEMENT** on the interested parties in this action.

- ☒ by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

SEE ATTACHED SERVICE LIST

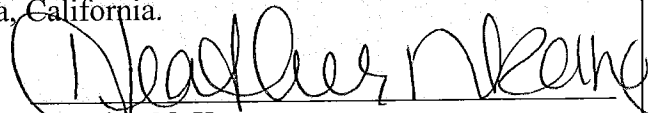
- ☒ **BY REGULAR MAIL:** I deposited such envelope in the mail at 1 MacArthur Place, Santa Ana, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY THE ACT OF FILING OR SERVICE, THAT THE DOCUMENT WAS PRODUCED ON PAPER PURCHASED AS RECYCLED.

- ☐ **BY FACSIMILE MACHINE:** I Tele-Faxed a copy of the original document to the above facsimile numbers.
- ☐ **BY OVERNIGHT MAIL:** I deposited such documents at the Overnight Express or Federal Express Drop Box located at 1 MacArthur Place, Santa Ana, California 92707. The envelope was deposited with delivery fees thereon fully prepaid.
- ☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the above addressee(s).
- ☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on September 13, 2011, at Santa Ana, California.


Heather N. Kane

SERVICE LIST

Berube v. US Bank Nation Association, et al..
Adversary No.: 11-05454 ASW

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